

# Senate Study Bill 1161

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
LOCAL GOVERNMENT BILL  
BY CHAIRPERSON QUIRMBACH)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act providing that a city may adopt an ordinance regulating  
2 the siting of certain confinement feeding operation structures  
3 within an unincorporated area adjacent to the city limits.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 2105XC 83  
6 da/nh/8

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1 1 Section 1. NEW SECTION. 364.26 ANIMAL FEEDING OPERATIONS  
1 2 SITING ORDINANCE.  
1 3 1. As used in this section, unless the context otherwise  
1 4 requires:  
1 5 a. "Animal", "animal feeding operation", "animal feeding  
1 6 operation structure", "animal unit", "confinement feeding  
1 7 operation", and "small animal feeding operation" mean the same  
1 8 as defined in section 459.102.  
1 9 b. "Open feedlot operation" and "open feedlot operation  
1 10 structure" means the same as defined in section 459A.102.  
1 11 2. A city may adopt an animal feeding operations siting  
1 12 ordinance. The purpose of the ordinance is to allow the city  
1 13 to approve or disapprove the construction, including  
1 14 expansion, of an animal feeding operation within an  
1 15 unincorporated area up to two miles beyond the limits of the  
1 16 city. If an adjacent city has also adopted an animal feeding  
1 17 operations siting ordinance governing the same unincorporated  
1 18 area, each city's ordinance shall govern the unincorporated  
1 19 area extending to a line equidistant between the limits of the  
1 20 adjacent cities. The city shall exercise its authority to  
1 21 adopt the ordinance independently of its zoning authority  
1 22 under chapter 414.  
1 23 3. a. An animal feeding operations siting ordinance shall  
1 24 only apply to an animal feeding operation that is a  
1 25 confinement feeding operation or open feedlot operation.  
1 26 b. An animal feeding operations siting ordinance shall not  
1 27 apply to any of the following:  
1 28 (1) A small animal feeding operation. Two or more animal  
1 29 feeding operations are deemed to be a single animal feeding  
1 30 operation in the same manner as provided in section 459.201.  
1 31 (2) An animal feeding operation, other than a small animal  
1 32 feeding operation, established prior to the effective date of  
1 33 the ordinance. However, the ordinance may apply to the animal  
1 34 feeding operation if it expands on or after the effective date  
1 35 of the ordinance. An animal feeding operation expands by  
2 1 doing any of the following:  
2 2 (a) Constructing or expanding an animal feeding operation  
2 3 structure.  
2 4 (b) Using additional land to keep animals or store manure.  
2 5 (c) Increasing the number of animal units by more than ten  
2 6 percent.

## EXPLANATION

2 7 This bill provides that a city may adopt an ordinance which  
2 8 provides for the approval of the construction or expansion of  
2 9 a structure associated with an animal feeding operation which  
2 10 is a confinement feeding operation (see Code chapter 459) or  
2 11 open feedlot operation (see Code chapter 459A) within an  
2 12 unincorporated area up to two miles beyond the limits of the  
2 13 city. Such an ordinance would not apply to a small animal  
2 14 feeding operation having 500 or fewer animal units (see Code  
2 15 section 459.102) or an animal feeding operation, other than a  
2 16 small animal feeding operation, which exists prior to the  
2 17

2 18 effective date of the ordinance so long as it does not expand.  
2 19 LSB 2105XC 83  
2 20 da/nh/8